

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff**

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**COMMERCIAL RECOVERY  
SYSTEMS, INC.,**

**CASE NO. 15-CV-36**

**and**

**TIMOTHY L. FORD, individually  
and as an officer of Commercial  
Recovery Systems INC.,**

**and**

**DAVID J DEVANY, individually  
and as a former officer of COMMERCIAL  
RECOVERY SYSTEMS INC.**

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**STEPHEN MCFAYDEN'S MOTION TO WITHDRAW AS COUNSEL**

COME NOW Stephen McFayden (“Movant”), counsel for Commercial Recovery Systems, Inc. and Timothy L Ford (“Defendants” in the above-styled case, and files this Motion to Withdraw as Counsel (“Motion”), requesting permission to withdraw his representation of Defendants. The reasons for withdrawal are as follows:

1. Differing case strategies. The situation is such that Defendants have not had effective communication with counsel in over 4 months. Thus, counsel is unable to prepare adequate responses to the Court or opposing counsel, thereby Movant is unable to provide competent representation.
2. Irreconcilable differences: There are irreconcilable issues related to the representation of this suit between Movant and Defendant.
3. Defendant’s failure to cooperate, communicate or fulfill obligations: Defendant has failed to respond to Movants legitimate requests. Defendant has also failed to regularly communicate with Movant when needed to fulfill obligations in the suit. Defendant by his actions refuses to follow the advice of Movant.

4. Defendant's failure to pay attorney's fees: Defendant has failed to pay Movants fees as agreed.

5. Financial burden on Movant: This representation has and will continue to result in an unreasonable financial burden on Movants.

6. Movant has obtained other employment: Movant has wound down his private practice and has accepted other employment.

This motion is not sought for the purpose of delay and will not result in a delay in the case.

Respectfully Submitted,

/s/ Stephen McFayden  
Stephen McFayden  
SBN 24082137  
smcfayden@franklinmcfayden.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 28, 2015, a true and correct copy of the foregoing document was served by United States first class mail upon the parties on the attached service list.

/s/ Stephen McFayden  
Stephen McFayden